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1  
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6 Tel: 818-600-5566  
7 alla@pricelawgroup.com  
8 Attorney for Plaintiff,  
9 David Gibson

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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF PENNSYLVANIA**

DAVID GIBSON,  
Plaintiff,

vs.

NAVIENT SOLUTIONS, LLC.,  
Defendant.

**18 4521**

Case No.:

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**  
**(Unlawful Debt Collection Practices)**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, David Gibson (“Plaintiff”), by and through his attorney, alleges the following against Defendant, Navient Solutions, LLC. (“Defendant”).

**INTRODUCTION**

1. Count I of Plaintiff’s Complaint is based upon the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. The TCPA is a federal statute that broadly regulates the use of automated telephone equipment. Among other things, the TCPA prohibits certain unsolicited marketing calls, restricts

1 the use of automatic dialers or prerecorded messages, and delegates  
2 rulemaking authority to the Federal Communications Commission (“FCC”).

3 2. Count II of Plaintiff’s Complaint is based upon Pennsylvania Fair Debt  
4 Collection Practices Act (“PFDCPA”), PA. CONS. STAT. ANN. § 2270, which  
5 prohibits debt collectors from engaging in abusive, deceptive and unfair  
6 practices in connection with the collection of consumer debts.

7 **JURISDICTION AND VENUE**

8 3. Jurisdiction of the court arises under 28 U.S.C. § 1331 and 47 U.S.C. § 227.  
9 4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2) in that a substantial part of  
10 the events or omissions giving rise to the claim occurred in this District.  
11 5. Because Defendant transacts business here, personal jurisdiction is  
12 established.

13 **PARTIES**

14 6. Plaintiff is a natural person residing in Philadelphia, Philadelphia County,  
15 Pennsylvania.  
16 7. Plaintiff is a consumer as defined by PA. CONS. STAT. ANN. § 2270.3.  
17 8. Defendant is a creditor engaged in the business of giving loans and managing  
18 credit accounts with its principal place of business located 2001 Edmund  
19 Halley Drive, Reston, VA 20191. Defendant can be served with process at  
20 Corporation Service Company. Bank of America Center, 16th Floor, 1111  
21 East Main Street, Richmond, VA 23219.  
22 9. Defendant engages in the practice of debt collection. Therefore, is a debt  
23 collector as that term is defined by PA. CONS. STAT. ANN. §2270.3 and sought  
24 to collect a consumer debt from Plaintiff.

## **FACTUAL ALLEGATIONS**

10. Defendant is attempting to collect a debt from Plaintiff.
11. The debt at issue arises out of an alleged transaction which was primarily for personal, family or household purposes and qualifies as a “consumer debt” as defined by the PFDCPA, PA. CONS. STAT. ANN. § §2270.3.
12. On or about May 2017, Defendant began placing calls to Plaintiff’s cellular phone number (267) 266-9347, in an attempt to collect an alleged debt.
13. The calls came from the following telephone numbers: (607) 271-6459, (856) 316-7062, (202) 899-1331, (765) 637-9507, (703) 935-1167, (570) 904-8762, (856) 316-7063, (512) 961-7264, (386) 269-0660, (386) 269-0335, (855) 203-8085, (317) 960-1983, (570) 904-8756, (512) 693-2529, (800) 436-5252, (302) 401-4388 and (888) 272-5543; upon information and belief these numbers are owned or operated by Defendant.
14. On or around May 8, 2017, at approximately 7:38 p.m., Plaintiff answered a collection call from Defendant; Plaintiff heard a pause before the collection agent began to speak, indicating the use of an automated telephone dialing system.
15. Defendant informed Plaintiff that it was attempting to collect a debt.
16. Plaintiff instructed Defendant not to contact him any further.
17. On or around May 9, 2017, at approximately 8:50 a.m., Plaintiff answered a second collection call from Defendant; Plaintiff heard a pause before the collection agent began to speak, indicating the use of an automated telephone dialing system.
18. Defendant informed Plaintiff that it was attempting to collect a debt.
19. Plaintiff instructed Defendant a second time not to contact him any further.

- 1 20. On or around May 16, 2017 at approximately 7:13 p.m., Plaintiff answered a
- 2 third collection call from Defendant; Plaintiff heard a pause before the
- 3 collection agent began to speak, indicating the use of an automated telephone
- 4 dialing system.
- 5 21. Defendant informed Plaintiff that it was attempting to collect a debt.
- 6 22. Plaintiff instructed Defendant for a third time not to contact him any further.
- 7 23. Plaintiff answered a fourth call, on or around May 16, 2017 at approximately
- 8 7:15 p.m., two minutes after the previous call, Plaintiff heard a pause before
- 9 the collection agent began to speak, indicating the use of an automated
- 10 telephone dialing system.
- 11 24. Defendant informed Plaintiff that it was attempting to collect a debt.
- 12 25. Plaintiff again instructed Defendant not to contact him any further.
- 13 26. On or around May 25, 2017, at approximately 10:12 a.m., Plaintiff answered
- 14 a fifth collection call from Defendant; Plaintiff heard a pause before the
- 15 collection agent began to speak, indicating the use of an automated telephone
- 16 dialing system.
- 17 27. Defendant informed Plaintiff that it was attempting to collect a debt.
- 18 28. Plaintiff instructed Defendant not to contact him any further for a fifth time.
- 19 29. On or around May 25, 2017, at approximately 10:12 a.m., Plaintiff answered
- 20 a fifth collection call from Defendant; Plaintiff heard a pause before the
- 21 collection agent began to speak, indicating the use of an automated telephone
- 22 dialing system.
- 23 30. Defendant informed Plaintiff that it was attempting to collect a debt.
- 24 31. Plaintiff instructed Defendant not to contact him any further for a fifth time.
- 25

1 32. On or around June 22, 2017, at approximately 9:44 a.m., Plaintiff answered a  
2 sixth collection call from Defendant; Plaintiff heard a pause before the  
3 collection agent began to speak, indicating the use of an automated telephone  
4 dialing system.

5 33. Defendant informed Plaintiff that it was attempting to collect a debt.

6 34. For the sixth time, Plaintiff instructed Defendant not to contact him any  
7 further.

8 35. Upon information and belief, between June 23, 2017 and July 13, 2017  
9 Defendant made approximately 17 calls to the Plaintiff's cellular phone after  
10 Plaintiff requested not to be contacted on 6 different occasions.

11 36. On or around July 14, 2017, at approximately 11:07 a.m., Plaintiff answered  
12 yet another call from Defendant; Plaintiff heard a pause before the collection  
13 agent began to speak, indicating the use of an automated telephone dialing  
14 system.

15 37. Defendant informed Plaintiff that it was attempting to collect a debt.

16 38. Plaintiff, again, instructed Defendant not to contact him any further.

17 39. Defendant ignored all of Plaintiff's requests to cease calls and continued  
18 calling him through March 2018.

19 40. Upon information and belief, approximately 104 calls were made by the  
20 Defendant to the Plaintiff's cellular phone after Plaintiff had initially requested  
21 not to be contacted.

22 41. On or around the same time the Plaintiff received calls to his cellphone, he  
23 also received approximately 74 calls to his home phone from Defendant  
24 between July 2017 and January 2018 with as many as 7 calls in a day.

25

1 42. The Federal Communications Commission (“FCC”) noted in its 2003 TCPA  
2 Order that a predictive dialer is “equipment that dials numbers and, when  
3 certain computer software is attached, also assists telemarketers in predicting  
4 when a sales agent will be available to take calls. The hardware, when paired  
5 with certain computer software, has the capacity to store or produce numbers  
6 and dial those numbers at random, in sequential order, or from a database of  
7 numbers.” *2003 TCPA Order*, 18 FCC Rcd at 14091, para. 131.

8 43. The FCC further explained that the “principal feature of predictive dialing  
9 software is a timing function, not number storage or generation.” *Id.*

10 44. Finally, the FCC stated that “a predictive dialer falls within the meaning and  
11 statutory definition of ‘automatic telephone dialing equipment’ and the intent  
12 of Congress.” *Id.* At 14091-92, paras. 132-33

13 45. The first time Plaintiff revoked consent Defendant called him around 9:00 am.  
14 46. Thereafter, Defendant continued to call Plaintiff on or about the same time in  
15 future calls.

16 47. For example, Defendant called Plaintiff at 9:44 a.m. (June 22, 2017), 9:54  
17 a.m. (June 23, 2017), 9:25 a.m. (June 28, 2017) and 9:39 a.m. (June 29, 2018).

18 48. Plaintiff received calls during working hours and during many other  
19 occasions, causing disruption to Plaintiff’s work and personal life.

20 49. Plaintiff would also receive notifications from Defendant to his place of work,  
21 something that was brought to his attention by his employer.

22 50. The conduct was not only willful but done with the intention of causing  
23 Plaintiff such distress, so as to induce him to pay the debt.

24 51. As a result of Defendant’s conduct, Plaintiff has sustained actual damages,  
25 including but not limited to, emotional and mental pain and anguish.

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**COUNT I**  
**(Violations of the TCPA, 47 U.S.C. § 227)**

52. Plaintiff incorporates by reference all of the above paragraphs of the  
Complaint as though fully stated herein.

53. Defendant violated the TCPA. Defendant's violations include, but are not  
limited to the following:

(a) Prior to the filing of the action, on multiple occasions, Defendant  
violated TCPA 47 U.S.C. § 227 (b)(1)(A)(iii) which states in pertinent part,  
"It shall be unlawful for any person within the United States . . . to make any  
call (other than a call made for emergency purposes or made with the prior  
express consent of the called party) using any automatic telephone dialing  
system or an artificial or prerecorded voice — to any telephone number  
assigned to a . . . cellular telephone service . . . or any service for which the  
called party is charged for the call.

(b) Within four years prior to the filing of the action, on multiple  
occasions, Defendant willfully and/or knowingly contacted Plaintiff at  
Plaintiff's cellular telephone using an artificial prerecorded voice or an  
automatic telephone dialing system and as such, Defendant knowing and/or  
willfully violated the TCPA.

54. As a result of Defendant's violations of 47 U.S.C. § 227, Plaintiff is entitled  
to an award of five hundred dollars (\$500.00) in statutory damages, for each  
and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B). If the Court finds  
that Defendant knowingly and/or willfully violated the TCPA, Plaintiff is  
entitled to an award of one thousand five hundred dollars (\$1,500.00), for  
each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C.  
§ 227(b)(3)(C).

**COUNT II**

**(Pennsylvania Fair Debt Collection Practices Act, Pa. Cons. Stat. Ann. § 2270)**

55. Plaintiff incorporates herein by reference all of the above paragraphs of the complaint as though fully set forth herein at length.

Defendant violated the PFDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated PA. CONS. STAT. ANN. § 2270.4(b)(2)(i) which prohibits “at any unusual time or place or a time or place known, or which should be known to be inconvenient to the consumer; and

(b) Defendant violated PA. CONS. STAT. ANN. § 2270.4(b)(4)(v) which prohibits “causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse or harass any person at the called number” and

(c) Defendant violated PA. CONS. STAT. ANN. § 2270.4 by collecting or attempting to collect a consumer debt without complying with the provisions of Sections 1692b to 1692j, inclusive, of . . . Title 15 of the United States Code (Fair Debt Collection Practices Act).

(i) Defendant violated PA. CONS. STAT. ANN. § 2270.4 by violating 15 U.S.C. § 1692d by engaging in conduct, the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of the alleged debt; and

(ii) Defendant violated PA. CONS. STAT. ANN. § 2270.4 by violating 15 U.S.C. § 1692d(5) by causing Plaintiff's phone to ring or engaging Plaintiff in telephone conversations repeatedly; and

(iii) Defendant violated PA. CONS. STAT. ANN. § 2270.4 by violating 15 U.S.C. § 1692f by using unfair or unconscionable means in connection with the collection of an alleged debt.

1 56. Defendant's acts, as described above, were done intentionally with the  
2 purpose of coercing Plaintiff to pay the alleged debt.  
3 57. As a result of the foregoing violations of the PFDCPA, Defendant is liable to  
4 Plaintiff for declaratory judgment that Defendant's conduct violated the  
5 PFDCPA, actual damages, statutory damages, and attorneys' fees and costs.  
6

7 **WHEREFORE**, Plaintiff, David Gibson, respectfully requests judgment be  
8 entered against Defendant, Navient Solutions, LLC, for the following:

9 A. Statutory damages of \$1000.00 pursuant to 15 U.S.C. §  
10 1692k(a)(2)(A), 47 U.S.C. § 227(b)(3)(B) and PA. CONS. STAT. ANN.  
11 § 2270.5(c);  
12 B. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) and PA. CONS.  
13 STAT. ANN. § 2270.5(c);  
14 C. Costs and reasonable attorneys' fees pursuant to the PA. CONS. STAT.  
15 ANN. § 2270.5(c) and 15 U.S.C. § 1692k(a)(3);  
16 D. Any other relief that the Honorable Court deems appropriate.  
17 //  
18 //

19 RESPECTFULLY SUBMITTED,

20 Dated: October 22, 2018

21 By:

  
22 Alla Gulchina Esq.  
23 86 Hudson Street  
24 Hoboken, NJ 07030  
25 Tel: 818-600-5566  
Alla@pricelawgroup.com  
Attorney for Plaintiff,  
David Gibson

JS

## CIVIL COVER SHEET

18-4521

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

DAVID GIBSON

(b) County of Residence of First Listed Plaintiff Philadelphia County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (First Name, Address, and Telephone Number)  
Price Law Group, APC  
86 Hudson Street, Hoboken, NJ 07030  
818-600-5566

## DEFENDANTS

NAVIENT SOLUTIONS, LLC

County of Residence of First Listed Defendant Fairfax County, VA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Resportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 861 FIA (1395f)	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 395 Other Civil Rights	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 400 Other Personal Injury	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 500 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 865 RS1 (405(g))	<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	26 USC 7609	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities Employment	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

## V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from Another District (specify)  6 Multidistrict Litigation - Transfer  8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
47 USC 227

## VI. CAUSE OF ACTION

Brief description of cause:  
Violation of TCPA

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P

## DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

10/22/2018

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

OCT 19 2018

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

18 4521

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

1500 East Howell, Philadelphia, PA 19149

Address of Plaintiff: \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

2001 Edmund Halley Drive, Reston, VA 20191

Place of Accident, Incident or Transaction: \_\_\_\_\_

Philadelphia, PA

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/22/2018

*Alla Gulchina*

Attorney-at-Law / Pro Se Plaintiff

307014

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases

(Please specify): Consumer Credit - TCPA

## B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases (Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION  
(The effect of this certification is to remove the case from eligibility for arbitration.)

Alla Gulchina

, counsel of record or pro se plaintiff, do hereby certify

I,

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

OCT 19 2018

DATE 10/22/2018

*Alla Gulchina*

Attorney-at-Law / Pro Se Plaintiff

30714

Attorney I.D. # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

DAVID GIBSON

v.

NAVIENT SOLUTIONS, LLC

CIVIL ACTION

**18 4521**  
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

10/22/2018

Date

818-600-5566



Attorney-at-law

David Gibson

Attorney for

alla@pricelawgroup.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

OCT 19 2018



PRICE LAW GROUP  
A Professional Corporation

JS

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Fax: 818-600-5466

October 16, 2018

18 4521

**Via USPS First Class**  
United States District Court  
Eastern District of Pennsylvania  
U.S. Courthouse  
601 Market Street, Room 2609  
Philadelphia, PA 19106

**RE: David Gibson v. Navient Solutions, LLC  
New Case Documents**

To Whom It May Concern:

Enclosed, please find the new case documents for David Gibson v. Navient Solutions, LLC. Please find the following enclosed in this envelope:

1. Complaint
2. Civil Cover Sheet
3. Summons
4. Check – for filing fee \$400.00
5. USB containing complaint, civil cover sheet, and summons.

If you have any questions, please feel free to contact me at 818-600-5534. Thank you.

Sincerely,

  
Rebecca Reyes  
Legal Assistant to Alla Gulchina, Esq.